

United States Senate

WASHINGTON, DC 20510

October 27, 2003

Admiral James Loy
Administrator
Transportation Safety Administration
Washington DC 20590

Dear Admiral Loy:

As you know, after the terrorist attacks of September 11, 2001, Congress transferred responsibility of aviation security regulations to the Transportation Security Administration (TSA). These regulations include rules governing the carriage of weapons, explosives, and incendiaries into passenger aircraft.

It has come to our attention that, after a lengthy regulatory review process, the TSA earlier this year issued regulations that allow passengers to carry butane lighters and matches on board the cabins of passenger aircraft.

We find this odd, in view of the following facts:

- To our knowledge, there is no legitimate use for butane lighters or matches on U.S. flights, since smoking has been banned.
- On December 22, 2001, 29-year old Richard Reid attempted to murder 197 people aboard an American Airlines flight from Paris to Miami, when he unsuccessfully tried to set off explosives hidden in his shoe using a book of matches. According to FBI and other law enforcement officials, Reid likely would have been successful had he used a butane lighter, which has a stronger flame.
- On May 29 of this year, a man armed with an aerosol can and a lighter attempted to take control of Qantas flight 1737, carrying 47 passengers and six crew over Melbourne, Australia. The 40-year old man injured four people before being overpowered by crew and passengers. Senior law enforcement officials said the hijacker planned to break into the cockpit and set it on fire with the lighter and aerosol. Yet under current TSA regulations, both lighters and aerosol cans are allowed in airplane cabins.
- On August 5, the TSA warned that Al Qaeda was seeking to conceal explosives on everyday household items, and detonate them on board airliners.

- Just this month, the Washington Post cited U.S. intelligence reports warning that al Qaeda is attempting to create a chemical called nitrocellulose to fashion explosive devices that could be smuggled aboard jetliners. According to the Washington Post, large wads of explosive tightly crammed into a container of some kind could create a “booming detonation” if set on fire.

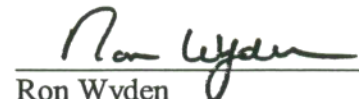
In view of these facts, it is difficult to understand why the TSA continues to allow butane lighters and matches to be carried on board the cabins of commercial flights. Moreover, TSA regulations sensibly prohibit them from being packed in checked baggage – so why allow these items in airplane cabins?

Finally, we would note that the TSA regulations allow two butane lighters and four books of matches to be carried on board aircraft. Given that there have been recent, serious attempts to use lighters and matches to bring down jetliners, why allow passengers to take multiple incendiary devices on board plane cabins?

For the reasons described above, we call on the TSA to conduct a careful review of those regulations, seeking comments from law enforcement and security officials. We further request that TSA notify us of the results of that review.

Sincerely,


Byron L. Dorgan
United States Senator


Ron Wyden
United States Senator